

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)
Attorney Docket: 056209.52220C1

22278 U.S.P.T.O.
10/829377
0422204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a X continuation or divisional application under 37 C.F.R. 1.53(b), of pending prior application:

Serial No. 10/390,917

Filed on March 19, 2003

Of Takuya Shiraishi et al.

Entitled: Control Apparatus For Internal Combustion Engine And Control Method For Internal Combustion Engine, Combustion Method For Internal Combustion Engine, And Direct Injection Engine

Examiner: E. Solis

Group: 3747

X 1. Accompanying this order is a new specification that does not contain any subject matter that would have been new matter in the prior application.

Total pages of specification, claims and abstract: 37

X 2. New Formal drawings are being filed herewith consisting of 11 sheet(s), depicting Figures 1-19.

X 3. Declaration and Power of Attorney:

a. Newly executed (original or copy)

b. X Copy from prior application

i. Deletion of Inventors - signed statement attached deleting inventor(s) named in the prior application

X 4. Incorporation by Reference:

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

— 5. Small entity status:

- A small entity statement is enclosed
- A statement of small entity status (copy attached) was filed on ____ in the prior application and status as a small entity is still proper and desired.
- Is no longer claimed

6. The filing fee is calculated below:

**CLAIMS AS FILED, INCLUDING ANY CLAIMS
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT**

Basic Fee			\$385		\$770	
Total Claims	4	-	20 = 0	x	9 = \$0	18 = \$ 00.00
Ind. Claims	1	-	3 = 0	x	43 = \$0	86 = \$ 00.00
	Multiple Dependent Claims			+	145 = \$	290 = \$
				Total	\$	\$ 770.00

— 7. Please charge my Deposit Account No. 05-1323 (Docket #____) in the amount of \$____.

8. A check in the amount of \$770.00 to cover the filing fee is enclosed.

9. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #056209.52220C1).

10. Amend the specification by inserting before the first line the sentence: --This application is a continuation of application Serial No. 10/390,917, filed March 19, 2003--

11. Priority of Appln. No(s). 2002-313601, filed in Japan on October 29, 2002, is hereby claimed under 35 U.S.C. 119.

12. A certified copy of each said priority document was filed in application Serial No. 10/390,917 on March 19, 2003.

13. The prior application is assigned of record to Hitachi, Ltd.

14. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg.

No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- a. The power appears in the original application papers in the prior application.
- b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- d. Address all future correspondence to:

CROWELL & MORING, LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300

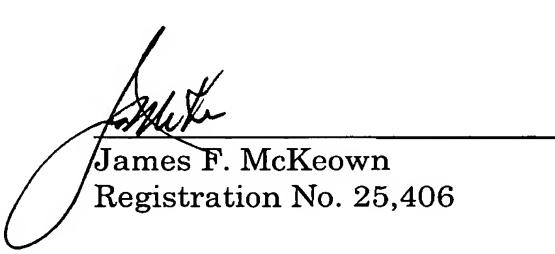
Customer No.

23911

- 15. Copies of Forms PTO-892 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.
- 16. Return Receipt Postcard.
- 17. Other: _____

Respectfully submitted,

April 22, 2004



James F. McKeown
Registration No. 25,406

CROWELL & MORING, LLP
P.O. Box 14300
Washington, D.C. 20044-4300
Tel: (202) 624-2500
Fax: (202) 628-8844

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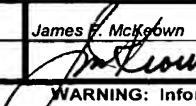
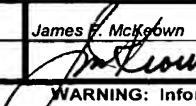
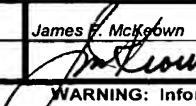
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT**

(\$ 770)

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<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: <table border="1"> <tr> <td>Deposit Account Number</td> <td>05-1323</td> </tr> <tr> <td>Deposit Account Name</td> <td>Crowell & Moring LLP</td> </tr> </table> <p>The Director is authorized to: (check all that apply)</p> <p><input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Charge any deficiency or credit any overpayments to the deposit account of the undersigned. Attorney Docket No. 056209.52220C1</p> <p><input type="checkbox"/> Charge any additional fee(s) during the pendency of this application.</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</p>				Deposit Account Number	05-1323	Deposit Account Name	Crowell & Moring LLP	3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge – late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge – late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840</td> <td>1805</td> <td>1,840*</td> 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						This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450																																																																																																																																																																																																							